

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS-----X  
JEROME ALLUYCHARD and AKEEM GALY,

Plaintiff,

Index No.:  
Date of filing:  
Plaintiff designates  
KINGS COUNTY  
as the place of trialThe basis of the venue  
is place of occurrenceTHE CITY OF NEW YORK, POLICE OFFICER  
“JOHN DOE #1, POLICE OFFICER “JOHN  
DOE” #2, POLICE OFFICER “JOHN DOE” #3 and  
POLICE OFFICER “JOHN DOE #4”,

Defendants.

Place of Occurrence:  
I/F/O 436 Eastern Parkway  
Brooklyn, New York 11225  
KINGS COUNTY-----X  
To the above named Defendant:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: Kew Gardens, New York  
February 26, 2013

STEVEN SIEGEL, P.C.

By: Wendy Bishop  
Wendy Bishop, Esq  
123-12 82<sup>nd</sup> Avenue  
Kew Gardens, New York 11415  
T.(718) 520-0413  
F.(718)544-7044Defendants' address:  
THE CITY OF NEW YORK  
Corporation Counsel  
Municipal Building  
100 Church Street, 4<sup>th</sup> Floor  
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS  
=====X  
JEROME ALLYUCHARD and AKEEM GALY,

Plaintiffs,

-against-

COMPLAINT

THE CITY OF NEW YORK and  
POLICE OFFICERS "JOHN DOE# 1",  
"JOHN DOE #2", JOHN DOES # 3  
and "JOHN DOE #4" said names being  
fictitious and presently unknown,

Plaintiffs Demands  
A Trial by Jury

Defendants.

=====X

Plaintiffs, by their attorneys, STEVEN SIEGEL, P.C. as and for their Verified Complaint  
herein, respectfully set forth and allege:

AS AND FOR A FIRST CAUSE OF ACTION ON  
BEHALF OF PLAINTIFFS

1. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK  
was a Municipal corporation duly existing under and by virtue of the laws of the State of New  
York.

2. That at all times hereinafter mentioned, the defendant THE CITY OF NEW  
YORK was a corporation doing business in the State of New York.

3. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK  
operated a police department as part of and in conjunction with its municipal function.

4. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK  
maintained said police department.

5. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK  
managed said police department.

6. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK  
controlled said police department.

7. That at all times hereinafter mentioned, the defendant THE CITY OF NEW

YORK, its servants, agents and/or employees employed police officers, detectives, and other personnel, to work as representatives of THE CITY OF NEW YORK.

8. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK employed police officers, known herein as POLICE OFFICERS "JOHN DOE #1", "JOHN DOE #2", "JOHN DOE #3", and "JOHN DOE #4", said names being fictitious and presently unknown, to work as representatives of THE CITY OF NEW YORK.

9. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK had the duty to ensure that the actions, activities and behavior of its said servants, agents, police officers, detectives and/or employees conform to a certain standard of conduct established by law for the protection of others against unreasonable risk of harm.

10. That at all times hereinafter mentioned, the defendant THE CITY OF NEW YORK, had the duty to ensure that its said servants, agents, police officers, detectives and/or employees conduct themselves in such a manner so as not to intentionally, wantonly and/or negligently result in injuries to others, including the plaintiffs herein.

11. That at all times hereinafter mentioned, the defendants POLICE OFFICERS "JOHN DOE #1", "JOHN DOE #2", "JOHN DOE #3", and "JOHN DOE #4", said names being fictitious and presently unknown, were servants, agents, employees and/or representatives of the defendant THE CITY OF NEW YORK.

12. That on the 20<sup>th</sup> day of September 2012, the plaintiffs were lawfully present in front of the vicinity of 436 Eastern Parkway, in the City and State of New York, County of Kings.

13. That on the 20<sup>th</sup> day of September, 2012, certain police officers and/or detectives and/or servants and/or agents of the police department of the defendant THE CITY OF NEW YORK were present in front of the vicinity of 436 Eastern Parkway, in the City and State of New York, County of Kings.

14. That on the 20<sup>th</sup> day of September, 2012, the plaintiffs were unlawfully seized, assaulted and battered by said police officers and/or detectives and/or agents and/or servants of the Police Department of the defendant, THE CITY OF NEW YORK, while they were lawfully in front of the vicinity of 436 Eastern Parkway, in the City and State of New York, County of KINGS.

15. That on the 20<sup>th</sup> day of September, 2012, the plaintiffs were unlawfully seized, assaulted and battered by POLICE OFFICERS "JOHN DOE #1", "JOHN DOE #2", "JOHN DOE #3", and "JOHN DOE #4", said names being fictitious and presently unknown, while they were in front of the vicinity of 436 Eastern Parkway, in the City and State of New York, County of KINGS.

16. That on the 20<sup>th</sup> day of September, 2012, the plaintiffs were wantonly, intentionally, maliciously, illegally and unlawfully seized, assaulted, handcuffed, arrested, imprisoned, abused, threatened, and manhandled, in the vicinity in front of 436 Eastern Parkway, in the City and State of New York, County of KINGS, and continuing thereafter at other locations.

17. That on the 20<sup>th</sup> day of September, 2012, the plaintiffs were wantonly, intentionally, maliciously, illegally and unlawfully seized, handcuffed, arrested, detained, imprisoned, photographed, abused, threatened and manhandled, by police officers and/or detectives and/or agents and/or servants of the police department of defendant, THE CITY OF NEW YORK, while they were lawfully present in front of the vicinity of 436 Eastern Parkway, in the City and State of New York, County of KINGS, and continuing thereafter at other locations.

18. That on the 20<sup>th</sup> day of September, 2012, the plaintiffs were wantonly, intentionally, maliciously, illegally and unlawfully seized, handcuffed, arrested, detained, imprisoned, photographed, abused, threatened and manhandled, by POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4", said names being fictitious and presently unknown, while they were lawfully present in the vicinity in front of 436 Eastern Parkway, in the City and State of New York, County of Kings, and continuing thereafter at other locations.

19. That the foregoing occurrences and the resulting injuries to the plaintiffs were caused solely by reason of the carelessness, negligence, false imprisonment, intentional infliction of emotional distress, abuse of process, excessive use of brutal force and wrongful assault and battery on the part of the police department of defendant, THE CITY OF NEW YORK, its servants, agents, police officers, detectives and/or employees, in violation of the plaintiffs' Civil and Constitutional rights, and without any cause, provocation or negligence on the part of the plaintiffs contributing thereto.

20. That the foregoing occurrences and the resulting injuries to the plaintiffs were caused solely by reason of the carelessness, negligence, false imprisonment, intentional infliction of emotional distress, abuse of process, excessive use of brutal force and wrongful assault and battery on the part of POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4", said names being fictitious and presently unknown, in violation of the plaintiffs' Civil and Constitutional rights, and without any cause, provocation or negligence on the part of the plaintiffs contributing thereto.

21. This action arises under the United States Constitution, particularly under provisions of the Fourth and Fourteenth Amendments to the Constitution of the United States, and under Federal law, including the Civil Rights Act, Title 42 of the United States Code, Sections 1981, 1983 and 1988 and the rights under the Constitution and laws of the State of New York.

22. Each and all of the acts of the defendants herein were done by the police department of defendant, THE CITY OF NEW YORK, its servants, agents and/or employees, and each of them, not as individuals, but under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of New York and the City of New York, and under the authority of their office as police officers of said City and State.

23. Each and all of the acts of the defendants herein were done by POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4" said names being fictitious and presently unknown, and each of them, not as individuals, but under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of New York and the City of New York, and under the authority of their office as police officers of said City and State.

24. That by reason of the foregoing, this plaintiffs were severely injured and damaged, rendered sick, sore, lame and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are permanent in nature and duration, and plaintiffs will be permanently caused to suffer pain, inconvenience and other effects of such injuries; plaintiffs incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and plaintiffs have suffered and in the future will

necessarily suffer additional loss of time and earnings from employment; and plaintiffs will be unable to pursue their usual duties with the same degree of efficiency as prior to this occurrence, all to their great damage.

25. That on/or about October 05, 2012 and October 06, 2012, and within 90 days after the claim served upon arose, the plaintiffs caused a Notice of Claim, in writing, sworn to by the plaintiff, containing the name and post office address of the plaintiffs, and plaintiffs' attorneys, the nature of the claim, the time when, the place where and the manner by which the claim arose, the items of damage and the injuries claimed to have been sustained, to be served upon the defendant THE CITY OF NEW YORK, by certified mail return receipt requested as designated by law as a person to whom such claims may be served. (Annexed hereto are copies of the Notice of Claim of each plaintiff).

26. That more than thirty (30) days have elapsed since the aforesaid Notice of Claim was served on the said defendant.

27. That the said defendant THE CITY OF NEW YORK was negligent and has refused and neglected to adjust, settle and pay same.

28. That this claim has been commenced and this action has been started within one year and ninety days after the happening of the event upon which the claim is based.

29. That all conditions and requirements precedent to the commencement of this action have been complied with.

30. That this action falls within one or more of the exceptions set forth in CPLR 1602.

31. That by reason of the foregoing, plaintiffs have been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in an amount to be determined upon the trial of this action, together with costs, disbursements and attorney's fees.

**AS AND FOR A SECOND CAUSE OF ACTION ON  
BEHALF OF PLAINTIFFS**

32. That plaintiffs repeat, reiterate and reallege each and every allegation as

contained in the First Cause of Action of the within Complaint with the same force and effect as though each were more fully set forth at length herein.

33. That at all times herein mentioned, the police department of the defendant, THE CITY OF NEW YORK, its servants, agents, police officers, detectives and/or employees, acted in total and wanton disregard for the safety, protection, freedom, civil and Federal and State constitutional rights of the plaintiffs.

34. That at all times herein mentioned, defendants, POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4" said names being fictitious and presently unknown, acted in total and wanton disregard for the safety, protection, freedom, civil and Federal and State constitutional rights of the plaintiffs.

35. That by reason of the foregoing, the plaintiffs were caused to suffer severe and serious injuries and damages both physically and mentally, suffered grievous harm, embarrassment, defamation of character, damage to his good name, credit, character and reputation, and plaintiffs were subjected to extreme public humiliation, scorn, contempt, derision and ridicule.

36. That by reason of the foregoing, plaintiffs have been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in an amount to be determined upon the trial of this action, together with costs, disbursements and attorney's fees.

AS AND FOR A THIRD CAUSE OF ACTION ON  
BEHALF OF PLAINTIFFS

37. That plaintiffs repeat, reiterate and reallege each and every allegation as contained in the First and Second Causes of Action of the within Complaint with the same force and effect as though each were more fully set forth at length herein.

38. That at all times herein mentioned, the police department of the defendant, THE CITY OF NEW YORK, negligently failed to provide for the safety, security and protection of the plaintiffs.

39. That at all times herein mentioned, defendants, POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4", said names being fictitious and

presently unknown, negligently failed to provide for the safety, security and protection of the plaintiffs.

40. That by reason of the foregoing, the plaintiffs were injured.

41. That the foregoing occurrences and the resulting injuries to the plaintiffs were caused solely by reason of the carelessness, negligence, failure to provide for the safety, security and protection, lack of supervision and wanton and willful disregard on the part of the police department of the defendant, THE CITY OF NEW YORK, and without any negligence on the part of the plaintiffs contributing thereto.

42. That the foregoing occurrences and the resulting injuries to the plaintiffs were caused solely by reason of the carelessness, negligence, failure to provide for the safety, security and protection, lack of supervision and wanton and willful disregard on the part of defendant, POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4", said names being fictitious and presently unknown, and without any negligence on the part of the plaintiffs contributing thereto.

43. That by reason of the foregoing, plaintiffs have been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in an amount to be determined upon the trial of this action, together with costs, disbursements and attorney's fees.

**AS AND FOR A FOURTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFFS**

44. That plaintiffs repeat, reiterate and reallege each and every allegation as contained in the First, Second and Third Causes of Action of the within Complaint with the same force and effect as though each were more fully set forth at length herein.

45. That all of the foregoing and the abuse of process by the police department of the defendant, THE CITY OF NEW YORK herein, its servants, agents, police officers, detectives and/or employees were in wanton, intentional and malicious disregard for the life, health, safety, freedom, protection, civil rights and well-being of the plaintiffs.

46. That all of the foregoing and the abuse of process by defendants, POLICE

OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4" said names being fictitious and presently unknown, were in wanton, intentional and malicious disregard for the life, health, safety, freedom, protection, rights and well-being of the plaintiffs.

47. That by reason of the foregoing, the plaintiffs have been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in an amount to be determined upon the trial of this action, together with costs, disbursements and attorney's fees.

**AS AND FOR A FIFTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFFS**

48. That plaintiffs repeat, reiterate and reallege each and every allegation as contained in the First, Second, Third and Fourth Causes of Action of the within Complaint with the same force and effect as though each were more fully set forth at length herein.

49. That this is an action to redress the deprivation under color of statute, ordinance, regulation, custom or usage of a right, privilege and immunity secured to the plaintiffs by the First and Fourteenth Amendments to the Constitution of the United States, and under Federal law, particularly the Civil Rights Act and 42 U.S.C. Sections 1981, 1983 and 1988 and arising under the law, statutes and constitution of the State of New York.

50. Each and all of the acts of the defendant, CITY OF NEW YORK, herein were done by the defendant, its servants, agents, police officers, detectives and/or employees, and each of them, not as individuals, but under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of New York and the City of New York, and under the authority of their office as police officers of said City and State.

51. Each and all of the acts of the defendant, POLICE OFFICERS "JOHN DOE #1" "JOHN DOE #2", "JOHN DOE #3" and "JOHN DOE #4" herein were done by the defendants, under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of New York and the City of New York, and under the authority of their office as police officers of said City and State.

52. That by reason of the foregoing, the plaintiffs have been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would

otherwise have jurisdiction herein, in an amount to be determined upon the trial of this action, together with costs, disbursements and attorney's fees.

**AS AND FOR A SIXTH CAUSE OF ACTION ON  
BEHALF OF PLAINTIFFS**

53. That plaintiffs repeats, reiterates and realleges each and every allegation as contained in the First, Second, Third, Fourth and Fifth Causes of Action of the within Complaint with the same force and effect as though each were more fully set forth at length herein.

54. That at all times herein mentioned, it was the duty of the police department of the defendant, THE CITY OF NEW YORK, to select and screen for hiring for retention or discharge as employees, those who are not fit, suitable, properly trained and instructed, constituting a potential menace, hazard or danger to the public or otherwise, those with vicious propensities and those with emotional, physical, psychological and/or physiological traits or characteristics or unsuitable or unstable or contraindicated for such employment.

55. That at all times herein mentioned, it was the duty of the Police Department of the defendant, CITY OF NEW YORK, to train, discipline, supervise, promulgate and put into effect appropriate rules applicable to the duties, activities and behaviors of its servants, agents, police officers, detectives, employees and/or personnel.

56. That by reason of the negligence of the Police Department of defendant, CITY OF NEW YORK, in their hiring, monitoring and retention of said police officers and/or detectives with knowledge of the unsuitable, unstable and unfitness to act and serve and unfitness to continue to act and serve as employees by reason of the defendant's breach of said duties, the plaintiffs were caused to suffer severe injuries and damage, without fault or want of care on the part of the plaintiffs in any way contributing thereto, thereby causing his extreme physical, mental and emotional illness and distress, as well as severe physical, mental and emotional injuries which are permanent in nature and duration.

57. That by reason of the foregoing, plaintiffs have been damaged in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in an amount to be determined upon the trial of this action, together with costs,

disbursements ant attorney's fees.

**WHEREFORE**, plaintiffs demand judgment against the defendants, the amount sought on each Cause of Action exceeding the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction, in amounts to be determined upon the trial of this action, together with the costs, disbursements and attorney's fees of this action, and with interest from the date of this occurrence.

Dated: February 26, 2012  
Kew Gardens, New York

Yours, etc.

By:

  
\_\_\_\_\_  
WENDY BISHOP  
STEVEN SIEGEL, P.C.  
Attorneys for Plaintiffs  
123-12 82<sup>nd</sup> Avenue  
Kew Gardens, NY 11415  
T: (718) 520-0413  
F: (718) 544-7044

## VERIFICATION

STATE OF NEW YORK)  
SS:  
COUNTY OF QUEENS)

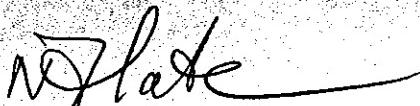
AKEEM GALY, being duly sworn, deposes and says:

I am the plaintiff in the within action; I have read the annexed **COMPLAINT**, know the contents thereof and the same are true to my knowledge, except as to those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

Akeem Galy  
AKEEM GALY

STATE OF NEW YORK)  
SS:  
COUNTY OF QUEENS)

On February 13, 2013 before me personally came and appeared AKEEM GALY known to me to be the individual described in and who executed the foregoing document, and who duly acknowledged to me that she executed the same.

  
Notary Public  
NATALYA ZLATOPOLSKAYA  
Notary Public, State of New York  
No. 01ZL6048534  
Qualified in Queens County  
Commission Expires Sept. 25, 2002 /4

## VERIFICATION

STATE OF NEW YORK)  
SS:  
COUNTY OF QUEENS)

**JEROME ALLUYCHARD**, being duly sworn, deposes and says:

I am the plaintiff in the within action; I have read the annexed **COMPLAINT**, know the contents thereof and the same are true to my knowledge, except as to those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.

Alluychard Jerome  
**JEROME ALLUYCHARD**

STATE OF NEW YORK)

SS:

COUNTY OF QUEENS)

On February 13, 2013 before me personally came and appeared **JEROME ALLUYCHARD** known to me to be the individual described in and who executed the foregoing document, and who duly acknowledged to me that she executed the same.



\_\_\_\_\_  
NATALYA ZLATOPOLSKAYA  
Notary Public, State of New York  
No. 01ZL6048534  
Qualified in Queens County  
Commission Expires Sept. 25, 2002/14

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

JEROME ALLUYCHARD and AKIM GALY,  
Plaintiffs,

-against-

THE CITY OF NEW YORK, "JOHN DOE #1", "JOHN DOE #2,  
"JOHN DOE #3" and "JOHN DOE "#4, said names being fictitious, the true names  
of said Police Officers, being presently unknown to the Plaintiff, herein,

**Defendants.**

## **SUMMONS and VERIFIED COMPLAINT**

**STEVEN SIEGEL, P.C.**  
123-12 82nd Avenue  
**Kew Gardens, New York 11415**  
Tel. (718) 520-0413  
Fax (718) 544-7044

TO:

Service of a copy of the within is hereby admitted.

DATED:

Attorney(s) for

---

**PLEASE TAKE NOTICE**

Notice of Entry: that the within is a (certified) true copy of a  
Clerk of the within named Court on entered in the Office of the

Notice of Settlement: that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the Judges of the within named Court, at

on

at M.

Dated:

**STEVEN SIEGEL, P.C.**

Attorney for Plaintiff

TO: